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COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES; REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 July 1998]

1. The grave human rights abuses committed in Turkey over the last six months include the attack on 12 May 1998 which nearly cost the life of Akin Birdal, President of the Turkish Human Rights Association (IHD) and Vice-President of the International Federation of Human Rights Leagues (FIDH); the imprisonment on 16 June 1998 of the Turkish journalist Ragip Duran, a correspondent for the French newspaper Libération and the British Broadcasting Corporation (BBC), who was sentenced to 10 months in prison for an article in the pro-Kurdish press; the arrest and incarceration, in May 1998, of the blind lawyer Esber Yagmurdereli, who received a 22-year prison sentence for a crime of opinion; the imprisonment in January 1998, for the same offence, of the pro-Kurdish journalist Haluk Gerger; the prohibition of the Refah Party at the beginning of 1998 and the banning of all political activities of its leaders as well as the conviction, a few months ago, of the Islamist mayor of Istanbul for a crime of opinion; the closure, in June 1998, of a rehabilitation centre for torture victims, by decision of the Governor of Diyarbakir, four days after the inauguration of the new centre, which had been opened, like others, on the initiative of the Turkish Human Rights Foundation, in the presence of numerous representatives of the diplomatic corps.

2. Hopes had been high in 1997 following the appointment of Prime Minister Mesut Yilmaz, who in recognition of the progress that Turkey needed to make on human rights had formally undertaken to give priority to the implementation of a package of reforms. His first step had been to set up a parliamentary commission to investigate the Susurluk affair, which since November 1996 had been stirring the press and public opinion by revealing links between the authorities, the mafia and the security services. The commission of inquiry submitted its report to the Prime Minister in early 1998 but no concrete action has since been taken. Furthermore, while on the eve of the Luxembourg Summit, a measure of carefully dosed clemency had permitted the release of some journalists, 67 were still incarcerated because of their writings in March 1998 and others also ended in prison in the months that followed.

3. The isolation of Turkey at the Luxembourg Summit no doubt bears some relation to this crackdown by the Turkish authorities: must the statement by Ankara that it no longer regards Europe as a priority be seen as a door firmly closed to any improvement of the human rights situation and in respect for the European Convention on Human Rights that Turkey has ratified? The events in the first part of the year suggest that this might be the case; and while one should be wary of making a definitive judgement, they call, at least, for redoubled vigilance and, at best, considering their gravity, for a firm warning to Turkey, which cannot subordinate its respect for conventions it has ratified to the satisfaction of its political ambitions.

Infringements of freedom of opinion

4. Restrictive laws remain the principal obstacle to freedom of opinion and expression. Magazines, books and newspapers continue to be confiscated or banned. Television and radio stations are closed. IHD reports that 133 people are currently in prison for crimes of opinion.

5. According to IHD reports, 298 journalists were arrested in 1997. During the first five months of 1998, a total of 130 publications were confiscated and/or banned. Those who expressed their opinions recommending a democratic, political and peaceful solution to the Kurdish question have been harassed and sentenced to prison terms.

Violation of the right to life

6. Deaths in custody, disappearances, use of torture and extrajudicial killings are all violations of the right to life. They are systematic and widespread. The security forces enjoy a large measure of impunity in regard to arbitrary use of their weapons. Disappearances in custody are closely linked to the state of war prevailing in south-eastern Turkey. Among these cases, 80 per cent occurred in the provinces under a state of emergency. In 1997, according to IHD reports, 66 people disappeared, 109 were killed by unidentified assailants and 114 were executed extrajudicially. IHD's monthly reports indicate that, during the first five months of 1998, 13 people were reported missing, 72 others were killed by unidentified assailants and 44 were executed extrajudicially. Several dozen people were killed or injured by mines planted in civilian residential areas.

Torture

7. Although Turkey has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, torture is systematic and widespread. IHD and the Human Rights Foundation, the two FIDH member organizations in Turkey, have identified 37 methods of torture used mainly during police custody. Following a March 1997 amendment, the length of police custody was reduced from 15 to 7 days, and it has also been reduced from 30 to 10 days in the south-eastern provinces under a state of emergency. However, according to IHD reports, acts of torture are continuing to be reported during police custody, despite its shorter duration. IHD has counted 366 persons subjected to torture in 1997. For the first months of 1998, 217 similar cases have been reported.

8. The trial of the police officers accused of killing journalist Goktepe, who died after being tortured by the police, broke new ground. However, given the heavy sentences imposed for crimes of opinion, the sentence of seven and a half years' imprisonment received by the police officers found guilty is likely not to have the exemplary effect desired. Trials of police officers identified as perpetrators of acts of torture are still too rare to serve as a real deterrent.

Protection of human rights defenders

9. In Turkey, these defenders are frequently the first victims of human rights violations. They are often detained, convicted and imprisoned. It was only shortly after the adoption by the Commission on Human Rights of the Declaration on the protection of human rights defenders that Mr. Akin Birdal was gravely wounded by six bullets in an assassination attempt on 12 May 1998.

This event, which caused consternation in the international community, attests to the pressing need for real protection of human rights defenders, who are very exposed in Turkey.

Freedom of association and persecution of human rights organizations and IHD

10. When Turkey ratified the conventions of the International Labour Organization, its domestic laws were not brought into conformity with those conventions relating to workers' rights and fundamental freedoms. Some parties, associations and trade unions have been closed, and freedom of association and the freedom to form and join trade unions are regularly breached. Human rights organizations face the same reprisals. Legal proceedings are being taken against the human rights organizations to force their closure and to ban their publications. The IHD sections in Diyarbakir, Izmir, Mardin, Sanliurfa, Balikesir, Malatya and Konya were closed in May and August 1997 by the governors of those regions. Five branches have been reopened as a result of IHD representations to the authorities. The IHD branch in Kirsehir was closed for three months by order of the Kirsehir Governor on 11 June 1998.

The Kurdish question

11. There are some 15 million Kurds currently living in Turkey. Eastern and south-eastern Turkey are under martial law and a state of emergency has been in force in this region since 1987. A state of emergency still applies in seven provinces.

12. Civilians are targeted during the fighting, and houses and forests are burned. Since 1984, when the hostilities between the Kurdistan Workers Party (PKK) and the Turkish army began, about 3 million Kurds have been forcibly displaced. The International Committee of the Red Cross is not allowed into the region to monitor the situation. Seven Kurdish political parties have been banned. The president and other officials of the People's Democracy Party (HADEP) were detained for 10 months and sentenced to heavy prison terms.

Prisons

13. The inmates of Turkey's 562 prisons are still at times subjected to difficult conditions in some regions. The inmates, and especially the political prisoners, regularly go on hunger strikes to protest against their prison conditions. On 24 September 1996, security forces attacked the inmates of Diyarbakir prison; 10 prisoners were brutally killed and 26 were severely injured with iron bars and rifle butts. These events led to murder charges being brought against 60 security officers. The Turkish Grand National Assembly decided to set up a commission to investigate the massacre. The commission has confirmed that 10 prisoners died from these brutal actions, which were described as real acts of torture in view of their seriousness.